

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROY MAYNOR AND KENNETH
NUGENT,

Plaintiffs,

v.

THE DOW CHEMICAL COMPANY,

Defendant.

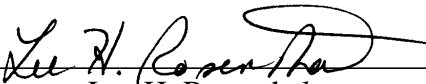
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CIVIL ACTION NO. G-07-0504

ORDER

The Supreme Court granted *certiorari* today in *Kasten v. Saint-Gobain Performance Plastics Corp.*, No. 09-834, --- S. Ct. ----, 2010 WL 128339 (Mar. 22, 2010),¹ to answer the following question: “Is an oral complaint of a violation of the Fair Labor Standards Act protected conduct under the anti-retaliation provision, 29 U.S.C. § 215(a)(3)?” *See* Petition for Writ of Certiorari, *Kasten*, No. 09-834, 2010 WL 146471 (Jan. 12, 2010). The parties are ordered to include a discussion of the possible impact of this *certiorari* grant in any post-trial briefing they file with the court.

SIGNED on March 22, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge

¹ The opinion below is *Kasten v. St-Gobain Performance Plastics Corp.*, 570 F.3d 834 (7th Cir. 2009), *reh’g en banc denied*, 585 F.3d 310 (7th Cir. 2009).